

**REMARKS**

The Office Action mailed April 2, 2004 has been reviewed and carefully considered.

The Specification has been amended to correct a typographical error in the use of reference numeral 2105 which was previously improperly identified as reference numeral 2102. No new matter has been added. This change is reflected in the Substitute Specification submitted herewith.

In response to the Examiner's comments regarding the line spacing of the specification, applicant submits herewith a Substitute Specification, double spaced on good quality paper in accordance with the Examiner's suggestion. No new matter has been added.

Claims 1, 4, 5 and 7 have been amended. Claims 1-20 remain pending in this application.

Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-10 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. Applicant respectfully disagrees with the Examiners rejection and requests reconsideration and withdrawal of the same. The Examiner states "...it is unclear where the signal digitizer is located?.....It is also unclear how the modes of operation are chosen or switched between." Applicant respectfully directs the Examiner's attention to Figure 21 and the corresponding description thereof (which is on pages 44-45 of the Substitute specification submitted herewith). In particular, the exact location of the digitizer is recited at lines 5-11 on page 44.

Furthermore, as to how modes of operation are chosen or switched is a product of the power to the system. Applicant's representative is unaware of any PTO rule requiring such recitation in the independent claims of the invention. Notwithstanding the foregoing, this feature of applicant's invention is explained in the title and further in the specification (e.g., page 44, lines 17 et seq.). The independent claims properly recite the two operation modes of applicant's system. Applicant is unaware of any PTO practice requiring the recitation of what causes or how the respective modes are chosen in the independent claims.

One of ordinary skill in the art will clearly recognize the gist of applicant's invention and would not require any undue experimentation or otherwise to implement the same using applicant's detailed description. In view of the foregoing, applicant respectfully requested withdrawal of the rejection.

Claims 5 and 7-8 are stand rejected under 35 U.S.C. §112, second paragraph. Applicant respectfully disagrees with the Examiner and requests reconsideration of the rejection.

Claims 5 recites "the digitizer" which is clearly referring to the signal digitizer positively claimed in claim 1. There are no other "digitizers" recited in any preceding claims and therefore, proper antecedent basis is provided for the use of "the digitizer" in claim 5.

With respect to claims 7-8, the same facts are present. Claim 7 recites "the digitizer" which is clearly further defining the digitizer recited in claim 1.

In an effort to clarify this, applicant has amended claims 4 and 7 to include "signal" before "digitizer". Withdrawal of the rejection is requested.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Bog et al. (USP 6,229,803). Kaplan et al. discloses a telecommunications system that does not address fault tolerance. That is, the system of Kaplan et al. does not provide more than one mode of operation. In addition, Bog et al. discloses a telecommunications provider agent that is a software intermediary between a telephony card and a session manager in a network. Bog et al suggests some handling of the signals or “call-handling” policies (See Col. 6), but nowhere discusses the re-routing of the analog telephone signals through a digitizer during a second mode of operation. Rather, Bog et al. teaches the handling of telephone signals when an “event” such as “off-hook”, “on hook”, “busy”, etc. is detected on an existing line.

Applicant’s independent claims 1, 10 and 19 all recite the connection of the analog telephone signal with the digitizer in the second mode of operation. Neither Kaplan et al., nor Bog et al., taken singly or in any combination disclose or suggest a signal digitizer capable of receiving the analog signal from the telephone, or the coupling of the analog signal from the telephone to the digitizer in any particular mode of operation. Withdrawal of the rejection is respectfully requested.

Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Tate et al. (USP 6,400,803). Kaplan et al. discloses a telecommunications system that does not address fault tolerance. That is, the system of Kaplan et al. does not provide more than one mode of operation. Tate et al. discloses a voice over digital subscriber line call redirection for lifeline service system.

The system functions by designating "lifeline" logical telephony ports and non-lifeline logical telephony ports. Applicant's independent claims 1, 10 and 19 all recite the coupling of the analog telephone signal with the digitizer in the second mode of operation. Assuming, *arguendo*, one of ordinary skill in the art combined Kaplan et al, with the teachings of Tate et al., the resulting system would be one that includes a lifeline router enabling the operation of a pre-designated single "lifeline" telephone port. This combined teaching system would be lacking a signal digitizer capable of receiving an analog telephone signal and wherein the system couples that analog telephone signal to the digitizer during a second mode of operation.

Neither Kaplan et al., nor Tate et al., taken singly or in any combination disclose or suggest a signal digitizer capable of receiving the analog signal from the telephone, or the coupling of the analog signal from the telephone to the digitizer in any particular mode of operation. Withdrawal of the rejection is respectfully requested.

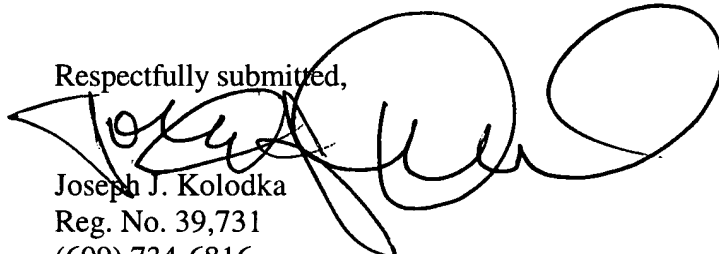
Claims 1-20 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Kaplan et al., (USP 6,141,339) in view of Gerszberg et al. (USP 6,359,881). Kaplan et al. discloses a telecommunications system that does not address fault tolerance. That is, the system of Kaplan et al. does not provide more than one mode of operation. Gerszberg et al. discloses a hybrid fiber twisted pair local loop network service architecture. The lifeline 126 disclosed, connects the ISD 22 to the local telecommunications central office 34, in the event of a power failure. Gerszberg et al. does not disclose the user of a signal capable of being connected to an analog telephone line, and the coupling of the analog telephone line to the digitizer during a second mode

of operation. It is this coupling of the analog line to the digitizer that is lacking in the teachings of the Kaplan et al, combined with Gerszberg et al. Withdrawal of the rejections is respectfully requested.

In view of the foregoing, Applicant respectfully requests that the rejections of the claims set forth in the Office Action of April 2, 2004 be withdrawn, that pending claims 1-20 be allowed, and that the case proceed to early issuance of Letters Patent in due course.

It is believed that no additional fees or charges are currently due. However, in the event that any additional fees or charges are required at this time in connection with the application, they may be charged to applicant's representatives Deposit Account No. 07-0832.

Respectfully submitted,

  
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